

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 22-CR-117-RAW

CODY RAY MCFADDEN,

Defendant.

**UNITED STATES OF AMERICA’S UNOPPOSED MOTION FOR LEAVE TO
SUPPLEMENT NOTICE OF INTENT TO OFFER EXPERT TESTIMONY (ECF NO. 68)**

Plaintiff, United States of America, by and through Christopher J. Wilson, United States Attorney for the Eastern District of Oklahoma, and Assistant United States Attorney Joshua Satter, respectfully requests leave to supplement the United States’ Notice of Intent to Offer Expert Testimony (the “Notice”) (ECF No. 68) with a copy of the victim’s McAlester Regional Health Center medical reports, and in support thereof states:

1. Counsel for Defendant has no objection to the relief requested in this motion.
2. On June 26, 2024, the United States filed its Notice, notifying Defendant of its intent to call Norman McAlester as an expert witness. (ECF No. 68). In the Notice, the United States indicated that Dr. McAlester would testify to the facts, findings, methodologies, and conclusions contained within the McAlester Regional Health Center medical reports associated with the victim’s injuries. *Id.* at 1-2. Considering the underlying medical records contained the victim’s personal identifying information, the United States referenced the bates range of the documents for opposing counsel and noted that the records would be provided in paper copy to the Court. *Id.* at 2.

3. To ensure the McAlester Regional Health Center medical reports are filed on the docket and to allow for the Court to review an unredacted copy of the records, the United States seeks the relief requested in the motion.¹

4. Defendant will not be prejudiced by the supplement to the Notice because he has been previously provided with the underlying medical records through discovery. *See* bates stamped items 159-180.

Wherefore, the Plaintiff, United States of America, requests leave to supplement its Notice of Intent to Offer Expert Testimony with the victim's McAlester Regional Health Center medical reports.

Respectfully submitted,

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s/ Joshua Satter
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¹ Should the Court grant the relief requested, the United States will file a motion to file the McAlester Regional Health Center medical reports under seal.

CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2024, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Peter Astor, Attorney for the Defendant

s/ Joshua Satter
JOSHUA SATTER
Assistant United States Attorney